

REMARKS/ARGUMENTS

Elections/Restrictions

Claims 1-17 are pending in the application. Claims 10-17 were withdrawn from consideration by the examiner as being drawn to a non-elected invention. Applicant elects without traverse to prosecute Group I, claims 1-9. Applicant reserves the right to file withdrawn claims 10-17 in another application.

Specification

As recommended by the examiner, the Brief Description of the Drawings section has been amended to make the description of FIG. 3 more consistent with the Figures by eliminating the shaper inserts language. No new matter has been entered.

Claim Objections

Claim 5 was objected to because of the informality of “second and block” rather than “second end block.” Claim 5 has been amended to correct this typographical error.

Claim Rejections - 35 U.S.C. § 102

Claims 1-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kruelskie, U.S. Pat. No. 3,914,085. The independent claims (claims 1, 5, and 8) recite several limitations not disclosed, taught, or suggested by Kruelskie. Specifically, independent claim 1 recites (a) “a first adjustment mechanism coupled to said first die lip for moving said first die lip and said first end block parallel to said second die lip and said second end block to adjust extrudate width” and (b) “a second adjustment mechanism coupled to said first die lip for moving said first die lip and said first end block perpendicular to said second die lip and said second end block to adjust extrudate thickness.”

Independent claim 5 recites (a) “a first mechanism for moving one of said first die lip and said first block and said second die lip and said second block parallel to the other of said first die lip and said first block and said second die lip and said second block during operation of the die to widen and narrow the width of said gap” and (b) “a second mechanism for moving one of said first die lip and said first block and said second die lip and said second block perpendicular to said other of said first die and said first block and said second die lip and said second block to increase and decrease the height of said gap.”

Independent claim 8 recites (a) “a first horizontal adjustment mechanism coupled to said top die lip for moving said top die lip horizontally relative to said top adaptor and said bottom lip,” (b) “a second horizontal adjustment mechanism coupled to said bottom die lip for moving said bottom die lip horizontally relative to said bottom adaptor and said top lip,” (c) “a top vertical adjustment mount secured to said top lip for vertically adjusting said top lip relative to said bottom lip and said top adaptor,” and (d) “a bottom vertical adjustment mount secured to said bottom lip for vertically adjusting said bottom lip relative to said top lip and said bottom adaptor.” Kruelskie does not disclose, teach, or suggest at least the above limitations of independent claims 1,5, and 8.

Rather, Kruelskie discloses an extrude sizing or guide assembly 21 that provides a channel having a variable cross-section. FIG. 2; Col. 2, ll. 14-17. Kruelskie discloses adjustable shaping members 38, 38a each containing a forming face 41, 41a. See FIG. 2. Kruelskie also discloses forming members 43, 43a each containing a guiding face 46, 46a. *Id.* However, as can be seen in FIG. 1 of Kruelskie, the sizing or guide assembly 21 is located past the location of the orifice 15 where the foamable material is extruded. Kruelskie describes extruding the foam from the orifice and then using the forming faces to control the height of the foam, after the foam has

been extruded. Col. 3, ll. 14-21. Similarly, Kruelskie describes that the width of the already extruded foam is controlled by adjusting the forming members. Col 3, ll. 21-24. Thus, what is disclosed in Kruelskie is an apparatus and method of adjusting guiding faces and forming faces to adjust the shape of extruded foam that has already passed through the extrusion orifice. The fact that Kruelskie discloses the assembly for foam further supports that Kruelskie is shaping material that has already passed through the orifice.

Kruelskie does not disclose moving a first die lip parallel to a second die lip to adjust the extrudate width, but rather discloses adjustable guiding faces to shape the width of foam already extruded. Additionally, Kruelskie does not disclose moving a first die lip perpendicular to a second die lip to adjust extrudate thickness, but rather Kruelskie discloses adjustable forming faces to shape the height of foam already extruded. In contrast to the teachings of Kruelskie, Applicants' invention relates to controlling the dimensions of the extrudate. As stated in the Applicants' application, vertical movement of the top die lip or bottom die lip, either alone or in combination, adjusts the vertical dimension of the gap between the die lips, and thus controls the thickness of the extrudate. P. 3, l. 29 - P. 4, l. 15. Hence, Kruelskie discloses an apparatus that shapes extruded foam, not controlling extrudate thickness and width, and is unrelated to Applicants' invention.

Therefore, for at least these reasons, independent claims 1, 5, and 8 are not anticipated by or made obvious by Kruelskie. Thus, independent claims 1, 5, and 8 should be allowable. Dependent claims 2-4, 6-7, and 9, which depend directly on independent claims 1, 5, or 8 are not anticipated by or made obvious by Kruelskie for at least the same reasons and, thus, should be in a condition for allowance.

Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

It is believed that no fee is presently due; however, should any additional fees be required (except for payment of issue fee), the Commissioner is authorized to deduct the fees from Jenkins & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47099-00110USPT.

Respectfully submitted,

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By 

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